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IN THE

Supreme Court of Illinois

MARCH TERM A. D., 1958.

JOSEPHINE DAVIDITIS, also known as JOSEPHINE DAVIS, STELLA C. DAVIS, and BETTY HORRIGAN,

Appellants,

vs.

THE NATIONAL BANK OF MATTOON, Mattoon, Illinois, a Banking Corporation,

Appellee.

Appeal from the County Court of Coles County.

In Probate

In the Matter of the Estate of William Daviditis, alias William Davis, Deceased.

Honorable William J. Sunderman, Judge Presiding.

ABSTRACT OF RECORD.

JOSEPHINE DAVIDITIS, also known as JOSEPHINE DAVIS, Pro Se and
STELLA C. DAVIS, Pro Se,
4916 N. Magnolia Avenue,
Chicago, Illinois.

BETTY HORRIGAN, Pro Se,
1303 Carmen Avenue,
Chicago, Illinois.

Midwest Law Printing Co., - 326 N. Michigan Ave., Chicago.
Telephone: Financial 6-3988

FILED
JAN 10 1958
Mrs. Earle Benjamin Searcy,

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IN THE

SUPREME COURT OF ILLINOIS

MARCH TERM A. D., 1958.

JOSEPHINE DAVIDITIS, also known as **JOSEPHINE DAVIS**, **STELLA C. DAVIS**, and **BETTY HORRIGAN**, Appellants, vs. **THE NATIONAL BANK OF MATTOON**, Mattoon, Illinois, a Banking Corporation, Appellee.	Appeal from the County Court of Coles County. In Probate In the Matter of the Estate of William Daviditis, alias William Davis, Deceased. Honorable William J. Sunderman, Judge Presiding.

ABSTRACT OF RECORD.

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1a Placita.

1-5 On March 30, 1957, the petitioners, Josephine Daviditis, also known as Josephine Davis, Stella C. Davis, and Betty Horrigan, Pro Se filed their Petition For Reopening Probate Case No. 15428 For

Fraud Upon Petitioners and Affidavit, and Affidavit of Service by Mail thereon, containing allegations and prayer as follows:

Pursuant to Illinois Revised Statutes Chapter 110-Section 72 (1) and Chapter 77 Section 84.

To the Honorable Judge of the Probate Court in and For the County of Coles:

Now Comes, Petitioners, Stella C. Davis, Josephine Daviditis, and Betty Horrigan, Pro Se, heirs-at-law and widow of the William Daviditis, alias William Davis, interested parties in this proceedings and respectfully moves this Honorable Court to Vacate the Order entered by said Court on the 16th day of May, 1953, to permit the petitioners to reopen the Probate Proceedings in the above entitled cause. Said Order entered on the 16th day of May, 1953, allowed attorney and administrators fees, and disallowed the petitions and claims of the petitioners, and heirs-at-law and widow of the decedent, William Daviditis, alias William Davis, for Fraud perpetrated upon the petitioners and the said Order is erroneous and ought to be reversed, set aside and the whole Probate Proceedings reopened and Administration de bonis non may be issued as the case requires pursuant to Chapter No. 3, section (95-247).

The Fraud was perpetrated upon the petitioners and Court in the following manner:

1. At chapter 3, sec. 162-5 Smith Hurd. Stat at Common Law, the succession to personal property was governed by the Law of the domicile of the intestate at the time of his death without regard to the actual situs of the property at the time. The domicile of the intestate, William Daviditis, alias William Davis, was

the City of San Francisco, State of California, County of San Francisco. Whereas in Chapter 3, of Ill. Rev. Statutes, sec. 207(55) the situs of tangible personal estate is where it is located and the situs of intangible personal estate is where the instrument evidencing a debt obligation, stock or chose in action happens to be or where the Debtor resides, if there is no instrument evidencing the debt, obligation, or chose in action in this state. The outstanding debts, which to the information and belief of the petitioners was out in the State of California, the domicile of the deceased, William Daviditis, Alias William Davis, at the time of his death on March 25, 1951. The Probate court of Coles County took jurisdiction over the Probate Court of the County of San Francisco, California, and by the California Laws the widow was entitled to one half of her husband's property.

2. The inchoate right of Dower and the assignment of same pursuant to Chapter 18, sec. 171 (19) Time of filing instrument was within 10 months after death of intestate and letters of administration of the Estate. The surviving spouse did not file a verified petition regarding all the real estate in the State of Illinois conveyed by her late husband because of the conspiracy to defraud by Ray M. Foreman, Assistant U.S. Attorney, aided by Kenneth Clapper, the officials, E. C. Bauer, and Martin Behrend and others of the National Bank of Mattoon, Illinois, who violated this fiduciary relationship towards the widow by concealing this right from her and the other petitioners and heirs-at-law and who left them legally unprotected by this fraud and conspiracy to defraud.

3. The National Bank of Mattoon, its officials and employee, E. C. Bauer, and Elizabeth McVey, Ray M. Foreman and Kenneth Clapper caused the safety deposit box No. 932 opened, contents examined and listed by Ray M. Foreman, who also caused an inventory of same to be compiled on April 3, 1951, without the Due Process of Law, in violations of the Probate Act of the State of Illinois and in violations of the rules and conditions of the National Bank of Mattoon's Safety Deposit Box Department without an Administrator petitioned, nominated or appointed by the Probate of Coles County, Illinois. In this act, the above mentioned persons and institution were aided and abetted by Kenneth Clapper. This was a direct violation of their rights of equal protection of the laws
3 under the XIV amendment to the Constitution of the United States. No Petition for an Order to open the decedent's safety deposit box was filed in the Probate Court of Coles County, Illinois.

4. The National Bank of Mattoon, Mattoon, Illinois, and its employee, Elizabeth McVey, on April 3, 1951, caused a fraudulent acknowledgment on the fraudulent Petition of Letters of Administration dated April 3, 1951, and filed in said Probate Court on this date. This is a violation of Chapter 38, Ill. Rev. Stat. sections 321 and 322 of said code. In this she was aided by Ray M. Foreman, U.S. Assistant Attorney for said Federal District and Kenneth Clapper and other unnamed officials and employees of said bank.

5. That the signature of the petitioner, Stella C. Davis was obtained by fraud, false pretenses, duress and coercion in her hotel room on April 3, 1951 by Ray M. Foreman, aided by Kenneth Clapper and not notarized in her hotel room by Elizabeth McVey who was not physically present in her hotel room.

6. That testimony given by Ray M. Foreman, Kenneth Clapper, E. C. Bauer and others regarding the above petition of letters of administration was by Perjury and Subornation or Perjury. Ill. Rev. Stat. Ch. 38, sec. 227, sec. 225, A-Par 475, A-471-473.

7. That The National Bank of Mattoon, its official Martin E. Behrend, picked up the decedent's, William Daviditis, alias William Davis' money, bonds, and other valuables in the City Jail in Mattoon, Illinois on September 9, 1949, and through fraud concealed the true amount of assets picked up on said date, nor was there an inventory (official) in the City Jail in Mattoon, Illinois itemizing the valuables picked up in the cell in the city jail of Mattoon, Illinois, wherein Mr. Behrend, said Vice-President and Trust Officer at the time, obtained possession of his assets there, from the decedent, William Daviditis, alias William Davis.

8. By fraud and conspiracy to conceal and defraud, the National Bank of Mattoon, Mattoon, Illinois, together with Ralph Suddes, Kenneth Kidwell, and other unnamed persons caused a fraudulent Separate Maintenance Action No. 50-C-49 to be filed, ordered and decreed in the City Court of Mattoon, Illinois, County of Coles, making the said Bank Trustee and Josephine Daviditis, beneficiary in this suit.

4 The petitioner, Josephine Daviditis, was out of the jurisdiction of the City Court of Mattoon, and County of Coles, Illinois when this Fraud was perpetrated upon her.

11. On information and belief, the petitioners state that there were incompetency proceedings held in said County of Coles for the incompetency of the decedent,

William Daviditis, alias William Davis, and his widow Josephine Daviditis, also known as Josephine Davis, and the National Bank of Mattoon to be the conservator. No accounting of their acts or accounts have ever been given the petitioners and no proof of the Declaration of Trust published in the Mattoon Journal Gazette page 2, October 3, 1949, William Davis by National Bank of Mattoon, given to the heirs-at-law, Stella C. Davis and Betty Horrigan and what consideration—property, income and etc. were involved in this proceedings when according to the City Court of Mattoon, Illinois, County of Coles records there was supposed to be an Injunction against the decedent, William Daviditis, and The National Bank of Mattoon, defendants in case No. 50-C-49, Josephine Daviditis, alias Josephine Davis, plaintiff, in this fraudulent Separate Maintenance action in said court.

12. By fraud and conspiracy, The National Bank of Mattoon, hired the attorney of the petitioners unbeknown to them to represent them and to help them conceal the following:

a. Re-issued and manipulated United States Bonds, and missing government bonds. Interest on same.

b. Outstanding debts, trust, incomes, fraudulent conveyances of real property without signature of widow on same.

c. Forged checks cleared for payment by the National Bank of Mattoon, Mattoon, Illinois, Forged bank withdrawals.

d. Concealment by virtue of violation of Ill. Rev. Stat. Ch. 3-sec. 3-335 Article XV—prevention to heirs-at-law to get a citation to recover Property and Discover Information and Assets. The bank as administrator when guilty of Fraud would not

permit such a petition to be filed, nor did Ray M. Foreman, U.S. Assistant Attorney when heirs-at-law pleaded with him to protect them and do this for them. Illegal searches by Ray M. Foreman, and Kenneth Clapper prior appointment of Administrator with permission of bank.

13. The National Bank of Mattoon, its officials hired an attorney who resided one and sixty miles away from the Probate Court, and who was representing the petitioners and by thus hiring their counsel they left the petitioners legally unprotected through this fraud upon them.

14. The National Bank of Mattoon, never filed an inventory within the sixty day period of the probate proceedings in the Probate Court of Coles County, Illinois.

15. The petitioners state that they have acquired newly discovered evidence which has not been presented in the Probate Court of Coles County due to the Fraud of Ray M. Foreman, Kenneth Clapper and others who prevented them from presenting such evidence due to lack of legal protection and advice and to the National Bank of Mattoon, its officials and employees.

Wherefore:

By reason of such false and fraudulent pretenses, representations, fraud and conspiracy, the petitioners, and heirs-at-law and widow, suffered great losses in moneys, legal fees, court costs, U.S. bonds, property, realty, judgments, and other valuable assets in the Probate Court of Coles County, Illinois, Circuit Court of Coles, Illinois and other courts throughout the State of Illinois and otherwise, by appeals.

Wherefore:

The Petitioners pray that this Honorable Court leave to reopen Probate Case No. 13428 for Fraud, perpetrated upon the petitioners, by the National Bank of Mattoon, Ray M. Foreman, Kenneth Clapper, Elizabeth McVey, Ralph Suddes, W. K. Kidwell, Martin Behrend and E. C. Bauer.

/s/ Josephine Daviditis
Josephine Daviditis, also known as Josephine Davis

/s/ Stella C. Davis
Stella C. Davis, Pro Se, same as above
4916 N. Magnolia Ave.,
Chicago, Illinois

/s/ Betty Horrigan
Betty Horrigan, Pro Se
1303 Carmen Ave., Chicago, Ill.

State of Illinois
City of Chicago,
County of Cook—ss.

Josephine Daviditis, also known as Josephine Davis, Stella C. Davis, and Betty Horrigan, being duly sworn, says, that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information, and that so far as they are therein stated to be upon information, they believe them to be true.

Dated this 29th day of March, 1957, A.D.

Subscribed and sworn to before me
this 29th day of March, 1957.

/s/ Maurice Kelman
Notary Public

my commission expires 1st Feb. 1959.
(Seal)

33-34 On April 20, 1957, respondent filed Motion to Strike with Affidavit of Service thereon.

8-12 On May 7, 1957, petitioners filed Affidavit in Support of Change of Venue with Exhibits and Affidavit of Service by Mail thereof.

13-31 On May 7, 1957, petitioners filed Motion in Answer To The Respondents' Motion To Strike Petition For Reopening Probate Case No. 15428 For Fraud Upon Petitioners and Affidavit with Exhibits and Affidavit of Service Thereon.

EXHIBIT "B"

Law Offices
FOREMAN & MEACHUM
20 Danville, Illinois
January 17, 1952

Mrs. Stella C. Davis
1217 Carmen Avenue,
Chicago, Illinois
Re: Estate of William Daviditis

Dear Madam:

Pursuant to the request made by you and your sister, Mrs. Marie Myers, on the date of our last conference at Mattoon, Illinois, we are enclosing a copy of the statement of M. Behrend, Vice President of The National Bank of Mattoon, Mattoon, Illinois, relative to certain transactions and proceedings at Mattoon and Charleston, Illinois, during the month of October, 1949. We understand that you have heretofore received a copy of this statement from Mr. Bauer of The National Bank of Mattoon, but are enclosing this copy for you and also a copy to each of your several sisters.

We are also enclosing, pursuant to your request, a photostatic copy of check issued by The Equitable Life Assurance Society of the United States under date of February 15, 1946, payable to William Daviditis, in the sum of $12,769.80; and also photostatic copies of check issued by Wayne O'Bryan under date of January 26, 1946, payable to William Daviditis, in the sum of $1,000.00 and check issued by Wayne O'Bryan under the date of February 15, 1946, payable to William Daviditis, in the sum of $3,000.00. The Equitable Life Assurance Society check together with the check for $3,000.00 executed by Wayne O'Bryan of Champaign County, Illinois, constituted the balance of $15,800.00 payable to William Daviditis, as the balance of the initial amount of $16,-800.00 on the sale of the farm in Champaign County. The difference between the balance of $15,769.80 and $15,800.00 comprised expenses for Federal Transfer Taxes and abstract costs in sum of $30.20. The photostatic copy of The Equitable Life Assurance Society check was forwarded to us with no billing for the cost thereof as of the present date. This conforms with the complete detailed statement of this transaction submitted to us under date of July 25, 1951, by Mr. David F. Hubbard of The Equitable Life Assurance Society, which explanation has heretofore been given you on several occasions. We trust that this will thoroughly satisfy you as to the completion of that transaction.

21 Mrs. Stella C. Davis —2— January 17, 1952

We have received a letter from Elliot W. Seymour, attorney at law, San Francisco, California, advising that there is presently a balance in the account of William Daviditis in the Anglo-California National Bank of San Francisco in the sum of $300.00. We have written this bank for confirmation of this amount and as soon as such confirmation is received the necessary documents will be forwarded to the bank for transfer of that account to the account of the administrator.

Mr. Seymour has also sent us his statement for attorney fees for work and services rendered to you and the several heirs of the decedent in the sum of $250.00. These services probably comprise a direct charge against you and the other heirs who employed him. However, in view of the fact that these services were rendered to all of the heirs it would probably be satisfactory to have an allowance made in the estate. We will not be able to do this unless we receive the consent of the several heirs to this procedure. May we suggest that in your reply to this letter you advise if it is satisfactory for us to allow a claim of Mr. Seymour for services rendered to the heirs in the probate proceedings. If so, we shall have Mr. Seymour file his claim and then permit the court to pass upon the allowance as to the amount thereof. It is possible that the court might not see fit to allow the full amount of this claim.

Very truly yours,
Foreman & Meachum
By: Ray M. Foreman

RMF:v
encls. cc: Matilda Marion
Marie Myers
Betty Horrigan

EXHIBIT "C"

22 The National Bank of Mattoon
Mattoon, Illinois

The National Bank of Mattoon, With Reference To Certain Transactions of William Daviditis During the Year 1949

The writer is 52 years of age and has been employed by The National Bank of Mattoon for the past 35 years continuously.

During that time I became very acquainted with William W. Daviditis, who was a long time customer of ours. I waited on him many times at the window, and he frequently in later years sought my advice and counsel on financial matters.

As near as I can recall, it was during the month of September in 1949, Mr. Daviditis came in and consulted the writer. At that time he was having serious family troubles at home. He was very angry at his daughters, and said that he was going to cash all of the bonds he had so as to keep them from getting any of his money. The writer told him that he would gain nothing by cashing the bonds, because the children, his daughters, could attach cash as well as bonds. It happened that our attorney, Mr. George Gilkerson, was in the bank and I recall calling him over to my desk and we counselled with Mr. Daviditis against cashing out his bonds. He was so angry though, that we accomplished nothing, and he took the money for the bonds, and as near as I can recall it was approximately $15,000, and left the bank.

The next thing that I know, a few hours later, I was informed that the daughters had sworn out a warrant for his arrest as he had made a display of a large check in a local tavern. The police picked him up and locked him up in jail. I believe that Ralph Suddes was the attorney who represented the girls and had him arrested.

The writer went over to the jail about 5 o'clock in the evening and talked to Mr. Daviditis, who was locked in the cell. He was a raving maniac. He would jump up and down and cursed his daughters and wife to everything under the sun, and swore up and down they would never get a dime of his money. After talking with him for about an hour, I managed to get him cooled down and he agreed to give me all of his money, which he did. I then made arrangements to have the police magistrate come down and let him plead guilty to a disorderly charge, and got him released from jail. I took him personally over to the Plaza Hotel, here in Mattoon, and made arrangements with the management to give him a room and provide a place for him to stay so that he could get his affairs at home straightened out and could return to his home.

23 The National Bank of Mattoon
Mattoon, Illinois

The National Bank of Mattoon, with Reference to Certain Transactions of William Daviditis During the Year of 1949.

Mr. Daviditis then had W. K. Kidwell, a local attorney, represent him and after a great deal of haggling, the family affair was straightened out and Mr. Daviditis agreed to set up a trust fund for the benefit of his wife and she was to go and live with one of the daughters. The trust fund provided that the trustee pay Mrs. Daviditis a fixed sum each month. The bank was appointed as the Trustee under the Trust Agreement.

During this time, Josephine Daviditis the wife of William, had brought a suit in the city court and under date of October 12, 1949, Judge Jacob Berkowitz, judge of the city court of the city of Mattoon, entered an order striking complaint for separate maintenance and modifying temporary injunction. This order directed The National Bank of Mattoon to deliver to William Daviditis, the sum of $15,000 and we have in our possession, a receipt dated October 13, 1949, signed by William Daviditis, acknowledging receipt from the National Bank of Mattoon the sum of $1500 in the following form, $950 was in Traveler's Checks issued to Mr. Daviditis that he had on his person at the time of his arrest, and which he gave to us to hold for him and $550 in currency. We also gave him postal savings certificates No. 09122, in the amount of $100 and No. H5446 in the amount of $200. This was delivered to him at a later date on November 16, 1949. The records of the National Bank of Mattoon showing the checking account maintained by Mr. Daviditis in this bank on October 13, 1949 deposited to his checking account the sum of $15,110.00. This is the balance of the Money that he left with us and represented by Cashier's Check on the Central National Bank of

Mattoon, which Mr. Daviditis purchased on the day that he cashed the bond at our bank he went down to the other bank and purchased this check. On November 18, 1949 the records further show that Mr. Daviditis wrote a check for $8,000 and this was the check that was deposited under the Trust Agreement mentioned before in this letter. The records further show that of November 19 there was a $5,000 check and that one was deposited in the Mattoon Federal Savings and Loan Association.

I could get ample proof of his actions and what he said regarding his daughters over at the police station because there were about five or six policemen there at the time, as well as Mr. James Warren, the city clerk. They were afraid I was going to get hurt to go in that cell with that wild man, for he certainly was wild, with anger at his daughters. If they think

24 The National Bank of Mattoon
Mattoon, Illinois

The National Bank of Mattoon, With Reference to Certain Transactions of William Daviditis During The Year 1949.

I have exaggerated what he said about them, all they need to do is have me get those policemen and Mr. Warren and I know that they would substantiate every comment I have made. Also the records of the hotel, which was operated by Dwight Haskins, who is now the township supervisor, could be furnished them to show that we took care of their father when it was not possible for him to go to his own home. With kindest personal regards, and I appreciate your position in this case, especially after talking with Mr. Bauer, I am,

Very truly yours,
M. F. Behrend
Vice President

36-39 On September 4, 1957, petitioners filed a Motion and Affidavit of Service by Mail thereon.

40-43 On October 14, 1957 a Petition with Affidavit of Service by Mail thereon, consisting of the following,

PETITION.

40 Now comes the petitioners, Stella C. Davis, and Betty Horrigan, Pro Se, heirs-at-law in the above entitled probate proceedings, and moves this Honorable Court for a Change of Venue to the Probate Court in the City of Chicago, State of Illinois, County of Cook, the residence of the petitioners and to the Probate Court in San Francisco, California, the state having original jurisdiction of the subject matter and the State of Illinois having ancilliary jurisdiction of the subject matter.

In Chapter 3 sec. 162-5 Smith Hurd Stat. at Common Law the succession to personal property was governed by Law of the domicile of Intestate at the time of his death as well as the debts due from the decedent's estate, and since the domicile of the decedent, William Daviditis, alias William Davis, was the city of San Francisco, California, and the outstanding debts were also in the State of California, Domicile determines jurisdiction of the courts, White *v.* Tennant, Supreme Court of Appeal of W. Va. 1888, 31 W. Va. 790, 8 S.E. 598, 13 Am. St. Rep. 896, and the case of Headen *v.* Cohn, 292, Ill. 210, 126 N.E. 350.

The petitioners, Stella C. Davis, and Betty Horrigan, pro se, also moves this Honorable Court for a statement from the Federal Bureau of Investigation, that

they have been complaining about the National Bank of Mattoon, Mattoon, Illinois, a banking corporation, its officials and employee and other name persons in their Petition for Reopening Probate Case No. 15428 for Fraud upon Petitioners and Affidavit since the year of 1950, prior to the death of their father, the decedent, William Davis, also known as William Daviditis. That in the year of 1951, and 1952, prior the Hearings on the above entitled proceedings held in April 25, 1952, May 9, 1952, and May 10, 1952, they had complained about the judge of the Probate Court
41 of Coles County, Illinois to the Federal Bureau of Investigation and to the President of the Illinois Bar Association and the Bar Association.

The petitioners, Stella C. Davis and Betty Horrigan, pro se, hereby state they discovered assets which have been withheld from the heirs-at-law.

Dated this 14th day of October, 1957, A.D.

By: Stella C. Davis
Stella C. Davis, Pro Se
4916 N. Magnolia Avenue,
Chicago, Illinois

By: Betty Horrigan
Betty Horrigan, Pro Se
1303 Carmen Avenue,
Chicago, Illinois

44 Coles County Probate Court Record Number 23 Page 581, October 14, 1957.

In the Matter of the Estate of William Daviditis, Alias William Davis, Deceased.

Stella C. Davis and Betty Horrigan, Pro Se, Petitioners,

PETITION AND HEARINGS.

On this day come Stella C. Davis and Betty Horrigan, Pro Se, and file herein their petition for change of venue and for a statement from the Federal Bureau of Investigation, in the Estate of William Daviditis, alias William Davis, Deceased.

The causes are heard by the Court, the motion for change of venue is denied, the motion for subpoena duces tecum is denied, the petition to reopen estate is denied, and the motion to strike petition to reopen estate is granted, and the said petition is hereby stricken by the Court.

45-48 Notice of Appeal filed on November 4, 1957 together with Affidavit of Service by Mail thereon.

49-54 On November 13, 1957, Praecipe of Record of Appeal and Affidavit of Service by Mail thereon filed.

55-56 On April 3, 1951 Petition for Letters of Administration filed.

57 Coles County Probate Record Number 50, Page 54—April 3, 1951. 2nd day of the April Term, A.D., 1951.

In The Matter of the Estate of
William Daviditis, Alias William Davis, Deceased,
Stella C. Davis, Petitioner,

PETITION FOR APPOINTMENT OF ADMINISTRATOR.

On this day comes Stella C. Davis and files herein her petition praying that The National Bank of Mattoon be appointed Administrator of the Estate of William Daviditis, alias William Davis, Deceased. The Court, upon hearing the petition and the argument of counsel, and being fully advised in the premises, finds that the prayer of the petition should be granted, and The National Bank of Mattoon is

appointed Administrator of the said Estate of William Daviditis, alias William Davis, Deceased, and the Clerk of this Court is directed to issue letters of administration to it in the premises. Claim date is fixed for June 4, 1951.

58-59 Letters of Administration filed April 3, 1951.

60-62 Appraisement Bill filed August 25, 1951.

64-66 On December 31, 1951, The Inventory was filed in the clerk's office.

68-70 Petition To Sell Personal Property filed on January 8, 1952.

71-73 Order to sell Personal Property filed on January 8, 1952 as follows:

71 State of Illinois
County of Coles—ss: In The County Court

In The Estate of
William Daviditis, alias
William Davis, Deceased. In Probate

ORDER TO SELL PERSONAL PROPERTY OF THE ESTATE OF WILLIAM DAVIDITIS, DECEASED.

Now Comes The National Bank of Mattoon, a national banking association, Administrator of the Estate of William Daviditis, deceased, by Foreman & Meachum, its attorneys, and presents its verified petition for leave to sell certain personal property of the estate of the decedent, and the Court, having considered said verified petition and being duly advised in the premises, finds:

1. That among the assets of the estate of the decedent are certain items of personal property properly classed as securities, hereinafter more specifically described; that it is not feasible, to distribute said

securities in kind to the heirs-at-law and next-of-kin of the decedent; that the value of said securities will not be diminished by sale thereof and the cash proceeds thereof distributed to the heirs-at-law of the decedent; that it is to the best interest of the estate herein for the Administrator to sell said items of personal property and utilize the proceeds thereof, if necessary, for payment of part of the debts of the estate of the decedent and the administrative costs and expenses of said estate, and to distribute the balance to the heirs-at-law and next-of-kin.

2. That it is not necessary or essential that any notice of a hearing upon said petition be given to interested parties herein inasmuch as all of said securities can be liquidated by sale thereof either at market price or at cost price, plus interest.

3. That the Administrator should be authorized to sell said personal property at private sale without notice.

72 Now Therefore, The National Bank of Mattoon, a national banking association, Administrator of the Estate of William Daviditis, deceased, be and it is hereby authorized to sell the following described items of personal property commonly called securities, to-wit:

U.S. Postal Savings Certificates:

Number	Date Issued	Face Amount
H6044	October 3, 1950	$200.00
H5688	February 3, 1950	200.00
G9975	October 3, 1950	100.00
18703	September 1, 1950	500.00
18702	September 1, 1950	500.00
18704	September 1, 1950	500.00
18163	February 3, 1950	500.00

U.S. Savings Bonds, Series E:

Number	Date Issued	Face Amount
M20770190E	November, 1949	$1000.00
M20770189E	November, 1949	1000.00
C2119878E	November, 1941	100.00
C4795276E	January, 1942	100.00
C6179518E	February, 1942	100.00
C97344808E	April, 1942	100.00
L7997433E	May, 1942	50.00
C12481242E	May, 1942	100.00
L10711155E	July, 1942	50.00
C10547470E	September, 1942	100.00

U.S. Postal Money Order:

Number	Amount
374980	32.50
American Express Travelers Check	20.00
Mattoon Federal Savings and Loan Association-Savings A/C No. 488-A	5000.00 (Princ. Amt.)
Mattoon Federal Savings and Loan Association-Savings A/C No. 489-A	5000.00 (Princ. Amt.)
10 Shares Common Stock Certificate No. CX21194, Mo., Kansas, Texas Railroad Co.	111.25
1 Share Common Stock, Certificate No. 319, Tuscola Co-operative Grain Co.	10.00

It Is Further Ordered that said Administrator be and it is hereby authorized to sell the aforesaid items of personal property at private sale, without notice, at the best price obtainable therefore.

Entered this *8th* day of January, A.D. 1952.

William J. Sunderman,
Judge of the County Court of Coles County, Illinois—in Probate.

74-75 Petition To Withdraw Petition for Appointment of Administrator filed on February 16, 1952.

76-77 Petition For Revocation of Letters and Issuance of New Letters filed in office of clerk on February 26, 1952.

79-81 Motion for Continuance filed by respondent on March 28, 1952, and Motion allowed.

82-89 Report on Final Settlement and Receipts filed by the respondent on March 28, 1952.

90 On April 4, 1952, respondent filed Objection to Claim of Josephine Daviditis.

92-94 On August 27, 1951, Claim was filed by J. Frank Shea, M.D.

95-99 On March 27, 1952, Claim of Elliot W. Seymour filed in the clerk's office.

100-102 On April 25, 1952 Objections To Account of The National Bank of Mattoon, Illinois, as Administrator, and To The Petition of Said Administrator For Allowance of Attorney and Administrator Fees, was filed by Betty Horrigan.

103-105 Objections To The Account of The National Bank of Mattoon, Mattoon, Illinois as Administrator And To The Petition of said Administration For Allowance of Attorney's Fees, filed by Stella C. Davis, on April 25, 1952.

106-112 Opinion of Court filed on May 16, 1952.

113-117 Order of Court filed on May 26, 1952.

118 Application For Extension of Time In Which To File Appeal filed on June 4, 1952 by petitioners.

119-120 On June 4, 1952 Order Granting Twenty Day Extension In Which To Appeal was filed in clerk's office.

121-124 Appeal Bond filed and approved by the court on June 24, 1952.

125-127 Motion To Dismiss Appeal filed on December 15, 1952 by respondent.

128-129 On August 20, 1953, Affidavit of Betty Horrigan was filed.

130 On September 1, 1953, Betty Horrigan filed an Affidavit.

131 On September 2, 1953, Affidavit of Betty Horrigan was filed.

131-133 On September 2, 1953, Stella C. Davis filed an Affidavit.

135 On September 2, 1953 Stella C. Davis filed Objections To Petition For Authority To Deposit Unclaimed Money with County Treasurer.

136-137 Report on Final Settlement, as Amended was filed on July 24, 1953 and approved by Court on July 31, 1953, together with Receipts.

141 On July 23, 1953, a Petition was filed by Stella C. Davis, Pro Se.

143-146 On November 29, 1957 an Appeal Bond was filed by petitioners.

147 Certification of Clerk to Record.

Certificate.

State of Illinois
County of Coles—ss:

I, Elmer F. Elson, Clerk of the County Court in and for said County, in the State aforesaid, do hereby certify that I am the keeper of the records, files and seal of said Court, and that said Court is a court of record, having a duly elected, qualified and

acting Clerk and a seal, said court having original jurisdiction in all matters of Probate, and I do also further certify that the foregoing is a true and complete copy of:

Petition for Reopening Probate Case No. 15428 for Fraud upon Petitioners and Affidavit.

Affidavit in Support of Change of Venue and Exhibits.

Motion in Answer to the Respondents Motion to Strike Petition for Reopening Probate Case No. 15428 for Fraud upon Petitioners and Affidavit and Exhibits.

Motion to Strike.

Motion and Affidavit of Service by Mail.

Petition and Affidavit of Service by Mail.

Order of Court entered on October 14th, 1957.

Notice of Appeal, and Affidavit of Service by Mail.

Praecipe of Record on Appeal, and Affidavit of Service by mail.

Petition for Letters of Administration.

Hearing on Petition for Appointment of Administrator, and appointment of Administrator.

Letters of Administration.

Appraisement Bill.

Inventory.

Petition to Sell Personal Estate.

Order to Sell Personal Property.

Petition to Withdraw Petition for Appointment of Administrator.

Petition for Revocation of Letters and Issuance of New Letters.

Motion for Continuance.

Report on Final Settlement and Receipts.

Objection to Claim of Josephine Daviditis.

Claims filed by J. Frank Shea, M.D. and Claim of Elliot W. Seymour.

Objections to Account of The National Bank of Mattoon, Illinois as Administrator, and to the Petition of Said administrator for Allowance of Attorney and Administrator Fees.

Opinion of Court filed on May 16, 1952.

Order Granting Twenty Day Extension in Which to Appeal.

Appeal Bond.

Motion to Dismiss Appeal.

Affidavits of Betty Horrigan and Stella C. Davis.

Objections to Petition for Authority to Deposit Unclaimed Money with County Treasurer.

Report on Final Settlement, as Amended, and Approval of Report on July 31st, 1953, and Receipts.

Petition of Stella C. Davis, Pro Se, and

Appeal Bond,

All filed herein in the Matter of the Estate of William Daviditis, alias William Davis, Deceased: as the same appears from the records and files now in this office remaining.

In Testimony Whereof, I have hereunto set my hand and affixed the Official Seal of said Court, at my office in Charleston, Illinois, this 6th day of December, A.D., 1957.

Elmer F. Elston,
Clerk of the County Court.

(Seal)

Respectfully submitted,

JOSEPHINE DAVIDITIS, also known as
JOSEPHINE DAVIS; Pro Se, and
STELLA C. DAVIS, Pro Se,
4916 N. Magnolia Avenue,
Chicago, Illinois,

BETTY HORRIGAN, Pro Se,
1303 Carmen Avenue,
Chicago, Illinois.